

MINUTES

UTAH PSYCHOLOGY LICENSING BOARD MEETING

July 10, 2006

Room 402 (formerly 428) – 4th Floor – 9:00 A.M.
Heber Wells Building

CONVENED: 9:09 A.M.

ADJOURNED: 1:00 P.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

John F. Merryweather, PhD, Chairperson
Lori G. Buhler
Leonard J. Haas, PhD
Natalie J. Malovich, PhD
Bruce N. Carpenter, PhD

Guests:

Craig Jackson, Division Director
Brett Newman, U of U MPA Student

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Swearing in of Natalie J. Malovich as a Board member.

Ms. Taxin conducted the swearing in of Dr. Malovich as a Board member. **The Board welcomed Dr. Malovich.**

Read and approve the June 19, 2006 Minutes.

Dr. Haas made a motion to approve the minutes as read. Dr. Carpenter seconded the motion.

Following discussion, Dr. Haas made a motion to approve the minutes with minor revisions. Dr. Carpenter seconded the motion. **The Board vote was unanimous.**

Read and approve the February 28, 2006
Mental Health Therapy Boards and Substance
Abuse Counselors Board Minutes

Dr. Carpenter made a motion to approve the minutes as read. Dr. Malovich seconded the motion. **Dr. Carpenter, Dr. Malovich, Ms. Buhler and Dr. Merryweather voted in favor of the motion. Dr.**

Haas abstained from voting.

APPOINTMENTS:

9:30 A.M.

Austin Chiles, Probationary Interview

Dr. Chiles met for his probationary interview.

Dr. Malovich was introduced to Dr. Chiles.

Dr. Haas conducted the interview.

Dr. Haas asked Dr. Chiles to bring the Board up to date regarding his work, how he is doing and where he sees his professional development going.

Dr. Chiles responded that he is currently seeing about 30 clients a week, of which about 5 are adolescents. He stated that his supervisor, Dr. Stewart, has asked to withdraw as the supervisor as she now owns the building where he works and they are of the opinion that there is a conflict for her to supervise him and pay rent on space. Dr. Chiles stated that he has learned through his therapy that the needs of others or his own needs should not make his decisions. Dr. Chiles stated that he loves going to workshops and will continue to attend workshops that discuss boundaries and ethics as many as he can. He stated that he will also continue to discuss his personal life and professional issues with Dr. Etringer, his therapist.

Dr. Carpenter asked Dr. Chiles if he has learned something in the probationary process that will be applied in situations in the future.

Dr. Chiles responded that he now has clear boundaries with, hopefully, enough steps in place so that a similar incident will not happen again. Dr. Chiles stated that he always thought of himself as an open person but this process has brought out that he was not open.

Dr. Carpenter commented that it appears that Dr. Chiles has new insight into himself.

Ms. Buhler commented that Dr. Etringer's reports have stated that Dr. Chiles is improving toward a greater awareness.

Dr. Chiles requested the Board to consider early termination of probation.

Dr. Carpenter made a motion to terminate Dr. Chiles probation early based on Dr. Chiles compliance and substantial progress in treatment while on probation.

Ms. Buhler seconded the motion. The Board vote was unanimous.

Ms. Taxin explained the termination process and reminded Dr. Chiles that he is still on probation until all the Division paperwork has been completed.

Ms. Taxin recommended Dr. Chiles meet again with Dr. Etringer and work up a plan to have a safety net for himself and reminded Dr. Chiles that he may always contact the Division for an appointment with the Board for support and assistance if he thinks it will help him.

10:00 A.M.

Elizabeth Firth, Probationary Interview

Dr. Firth met for her probationary interview.

Dr. Malovich was introduced to Dr. Firth.

Dr. Merryweather conducted the interview.

Dr. Merryweather thanked Dr. Firth for arranging to come to Utah from California to meet in person.

Ms. Taxin informed the Board that an amendment was made to the original Stipulation and Order and Dr. Firth signed the amendment. Ms. Taxin stated that Dr. Firth is required to follow the guidelines of both Stipulations and Orders.

Ms. Taxin asked Dr. Firth to explain the concerns of living in California and being on probation with Utah.

Dr. Firth stated that she understood that she had the choice of surrendering her Utah license or applying for licensure in California and that there was a concern regarding an MMPI that she had implemented.

Ms. Taxin explained that Dr. Firth implemented a court ordered MMPI and gave information out that she should not have given. Ms. Taxin stated that the Division did not take further action.

Ms. Taxin stated that the amendment requires education in ethical and MMPI education and the amendment is in addition to the original Stipulation and Order.

Dr. Carpenter asked if Dr. Firth is licensed in California yet.

Dr. Firth responded that after the amendment was signed she went to the California Board to request a license.

Dr. Carpenter commented that, if California grants a license it would be probationary license based on the Utah probation. Dr. Carpenter also stated that most States will wait until disciplinary action has been completely resolved before granting licensure.

Dr. Firth responded that she would like to return to Utah and does not view the move to California as a permanent situation.

Ms. Taxin reviewed the original Stipulation and Order and stated that Dr. Firth submitted a written practice plan as required. Ms. Taxin stated that the practice plan is outdated as Dr. Firth is now in California and working in a different occupation. Ms. Taxin stated that Dr. Firth's time on probation is not counting as she is not working in psychology, however, she can complete the CE requirements. Ms. Taxin stated that she thought it would be advantageous for Dr. Firth to meet to review requirements of the Stipulation and Order and the amendment.

Dr. Firth responded that California issues a registration prior to issuing the license for Psychologists and she has applied for the registration. She commented that if she is not granted registration she may have to surrender her Utah license or move back to Utah to be in compliance. Dr. Firth stated that

she has enjoyed her therapy in California with Dr. DeMore and does not want to leave at this time.

Dr. Firth stated that she completed 20 hours of CE on-line that were completed prior to Board approval. Dr. Firth asked the Board to accept the 6 hours in MMPI and 6 hours on psychology ethics.

Dr. Haas made a motion to approve the MMPI course for 6 hours of CE. Dr. Carpenter seconded the motion. The Board vote was unanimous.

Dr. Carpenter made a motion to approve the ethics course for 6 hours. Dr. Haas seconded the motion. The board vote was unanimous.

Ms. Taxin reviewed the requirements of the original Stipulation and Order and the amendment as follows:

- 1. The amendment added 3 additional years onto the probation.**
- 2. The June 30, 2006 amendment is now in force.**
- 3. Dr. Firth was required to meet with the Board within 30 days of the amendment. Dr. Firth met this requirement.**
- 4. Dr. Firth was required to submit a practice plan for the Board to review and approve. A practice plan was submitted and then her business was closed and she moved to California.**
- 5. The Division was to be notified within 1 week of any change in employment.**
- 6. If Dr. Firth leaves Utah for more than 60 days she was to notify the Division.**
- 7. Dr. Firth must maintain an active license for the full probationary period.**
- 8. Dr. Firth must notify the Division of any change of her business address.**
- 9. If Dr. Firth does not practice for 60 days or longer she must notify the Division of the date she terminated practice and the time out of practice does not count toward completion of the probationary period.**
- 10. If working, Dr. Firth must work a minimum of 16 hours a week or a maximum of 48**

- hours a week to count as practicing.
11. For the first 6 months employer/supervisor reports are required monthly and then quarterly thereafter if the Board determines appropriate.
 12. An unfavorable report will be considered a violation of the probation requirements.
 13. If Dr. Firth is not working in psychology the reports are still required with an indication of not working in psychology.
 14. Dr. Firth must submit letters from her supervisor and therapist stating they have read the Stipulation and Order and the amendment, they understand the requirements and are supportive of assisting Dr. Firth in being successful in completing her probation.
 15. The therapist must be approved by the Board.
 16. The approved therapist must submit a vitae, a treatment plan and monthly reports.
 17. The CE requirements must be completed within 18 months.
 18. Dr. Firth must complete 10 hours of pre-approved CE in psychology practice in addition to the generally required professional education for licensure.
 19. Dr. Firth must provide proof of completing a MMPI course and a report of her experience and understanding of that instruction.
 20. Dr. Firth must provide a copy of any professional license issued by Utah or any other State.

Ms. Taxin stated that amendment was signed by Dr. Firth on June 12, 2006.

Dr. Carpenter clarified that Dr. Firth could work on the CE requirements and be in therapy with all other requirements on hold until she obtains employment in psychology.

Ms. Taxin agreed. Ms. Taxin asked the Board to make a recommendation on how long Dr. Firth may be on hold without working as a psychologist.

Dr. Carpenter responded that she is not required to be in therapy but has voluntarily gone to therapy. Dr. Carpenter stated that the Board needs to review the therapy reports and determine if the therapy is on track for assisting Dr. Firth. Dr. Carpenter recommended that, if the Board agreed, the therapy should apply to the Stipulation and Order.

Dr. Haas asked if the therapy reports would be accepted as Dr. Firth is not practicing her time is not counting.

Ms. Taxin responded that the Board could accept the therapy as meeting the requirement and the Board may terminate the therapy requirement at anytime.

A therapy report form was given to Dr. Firth for her therapist to complete. Ms. Taxin stated that the therapist should fill out the form and include issues being addressed.

Dr. Carpenter commented that Dr. Firth was required to complete the CE requirements within 18 months of the original Stipulation and Order and it has been more than 18 months. Dr. Carpenter recommended the time for completion of the CE be extended by 6 months to January 1, 2007. The Board concurred.

Dr. Firth remarked that the MMPI course was a 17 hour, 3 day course. She requested the Board to consider some of the hours counting toward the additional 10 hours as required in the amendment.

Dr. Carpenter made a motion for the MMPI course to meet the full requirement of the additional 10 hours of CE. Dr. Haas seconded the motion. The Board vote was unanimous.

Dr. Firth was notified that she now has 14 hours to complete before January 1, 2007 and the courses must be pre-approved by Ms. Taxin or the Board.

Dr. Firth asked if she could meet telephonically for the October 2, 2006 Board meeting.

Ms. Taxin and the Board responded that a telephonic appointment is acceptable unless there are changes in her circumstances that would require an in person appointment.

An appointment was made for Dr. Firth to meet again October 2, 2006.

10:45 A.M.

Michael Bjornson, Probationary Interview

Dr. Bjornson met for his probationary interview.

Dr. Malovich was introduced to Dr. Bjornson.

Dr. Carpenter conducted interview.

Dr. Carpenter reported on his assignment to contact Dr. Olson for information regarding therapy with Dr. Bjornson and termination of therapy. Dr. Carpenter stated that Dr. Olson expressed concern that termination was premature and Dr. Olson was of the opinion that it was an attempt to avoid dealing with issues.

Dr. Merryweather reported that he talked with Dr. Maas and confirmed that she had an extensive conversation with Dr. Olson regarding Dr. Bjornson's therapy. He stated that Dr. Maas was of the opinion that she was aware of Dr. Olson's concerns and they were being addressed in her therapy sessions. Dr. Merryweather stated that Dr. Maas was comfortable with her conversation with Dr. Olson and would proceed with therapy.

Ms. Taxin stated that a report was submitted by Dr. Maas.

Dr. Carpenter read Dr. Szykula's report for January 2006 through June 2006 and noted that supervision is approximately 1 hour per week.

Dr. Carpenter read Dr. Maas Report.

Dr. Carpenter asked Dr. Bjornson if he was in compliance with his Stipulation and Order as he understands the specific requirements.

Dr. Bjornson responded that he was of the opinion that he is in compliance.

Dr. Carpenter requested Dr. Bjornson to describe his weekly practice.

Dr. Bjornson responded that he meets weekly with Dr. Szykula who is a taskmaster and has had Dr. Bjornson doing more psychological testing than he would like to be doing. Dr. Bjornson stated that for the first 6 months, the time to write out the reports was overloading but now is able to dictate the reports. Dr. Bjornson stated that he has had to sharpen up on his own skills as the psychological testing and reports were not his strong points but now is feeling more comfortable with the reports. He stated that about 50% of his clients are for psychological testing and the client quota is to be 100 billable hours per month. Dr. Bjornson stated that he is seeing 12 to 15 clients per week and is audiotaping every female session and has someone present in the office when he is seeing a female client. He explained that he has also audio-taped some of his male session. He stated that he has become more comfortable with the supervision. Dr. Bjornson remarked that he is spending 2 days in Vernal of which one day is for testing and reports and 3 days in Salt Lake. He stated that his wife is the office staff that is present when he is in Vernal. Dr. Bjornson explained that he still lives in Vernal. He state he would like to expand his practice and hire someone else to be in the office but practice in Vernal is limited with clients.

Dr. Carpenter asked if there is still friction in the Vernal community.

Dr. Bjornson responded that the friction appears to be dropping off. He stated that he has reached out to become involved in the community and sat down with other clinicians and let them know that he is practicing and there have been some referrals given to him. Dr. Bjornson stated that there is less friction and less animosity.

Dr. Carpenter asked Dr. Bjornson to address his advertising as he has not yet submitted a copy of his advertisements as requested by the Board.

Dr. Bjornson responded that he has not advertised for several months. He submitted a copy of the newspaper ad for the Board to review.

Dr. Carpenter asked if the newspaper advertisement issue had been resolved.

Ms. Taxin responded that the issue has not yet been resolved as Dr. Bjornson has not submitted a copy for the Board to review.

Dr. Bjornson also submitted a copy of Dr. Szykula's performance evaluation for the Board to review.

Dr. Haas stated that Dr. Bjornson is in compliance with the Stipulation and Order as he has now submitted a copy of his newspaper advertisement and Dr. Szykula's report mentions that he reviews the audiotapes of Dr. Bjornson's appointments with female clients.

Dr. Carpenter requested Dr. Bjornson to respond regarding what he is getting out of his therapy

Dr. Bjornson responded that Dr. Maas is a therapist that he feels comfortable with and can open up to discuss his issues. He commented that Dr. Haas has identified some issues and given him ideas on different ways to approach tasks. Dr. Bjornson stated that when issues arise he takes them to his therapy sessions for detailed discussion and leaves with ideas of ways to improve his performance. Dr. Bjornson stated that the therapy has helped him deal with his life problems.

Dr. Carpenter asked Dr. Bjornson how he can reassure the Board that he has learned something regarding boundaries.

Dr. Bjornson responded that he has taken 14 of the required 24 hours of continuing education in APA approved courses that deal in boundaries. He stated that every time he attends a course it brings to his consciousness what he needs to be doing to make sure he keeps the appropriate boundaries with his clients. He stated that he has a radar screen that is now in tune

to be sure his personal issues are not discussed but the client's issues are discussed.

Dr. Carpenter stated that the therapist and supervisor mentioned in their reports that Dr. Bjornson has some resistance. Dr. Carpenter asked Dr. Bjornson to respond.

Dr. Bjornson responded that he started his therapy in December 2004. He stated that he hopes he is dealing with the issues that brought him before the Board. He stated that the experience was very humiliating for him, his family and his clients. Dr. Bjornson stated that he has learned about himself. He stated that the experience knocked him off his high horse and he is now more humble. He stated that he has found a spiritual side of himself that has not been a part of his life and that has given him a lot of encouragement that his situation will be ok. Dr. Bjornson stated that he does not feel he is avoiding issues as he and the therapist focus on ways to deal with challenges that he may have.

Dr. Merryweather asked Dr. Bjornson to elaborate on what he has learned from the therapy discussions that will help him avoid the kinds of problems he had in the past. Also to address what he is tuning into now that he did not in the past.

Dr. Bjornson responded that one of the ethics courses talked about a slippery slope. He stated that he was not paying attention to some things and found that by the time he noticed something was wrong, he had already started the slide down the slope. Dr. Bjornson stated that he now has set limits on his schedule and starts his appointments on time and makes sure they are 50 minutes in duration. He stated that if something inappropriate comes up he stops for discussion and to get back on task. Dr. Bjornson stated that his family suffered due to his actions but he is optimistic that the family can pull out of it. He stated that the courses and therapy have helped him see the damage of his actions. He stated that he was blind to any consequences and now he is paying more attention to things. He stated that if you have to ask yourself "Is this something my mom would approve of?" then you are doing something wrong. Dr. Bjornson concluded

that he is hoping that at some point he will be able to be around his colleagues and be an active part of the association again.

Dr. Merryweather thanked Dr. Bjornson for his responses to the questions today. He stated that it is good for Dr. Bjornson to think and as he progresses his thinking will also be changing.

Dr. Haas asked how Dr. Bjornson is doing on his CE requirement.

Dr. Bjornson responded that he has completed 14 hours of the required 24.

Dr. Carpenter reminded Dr. Bjornson that he is on a time limit for the hours to be completed.

Dr. Bjornson responded that he is trying to find some courses to complete the requirement.

Dr. Haas stated that the hours must be completed by November 2006.

Dr. Carpenter stated that he was comfortable with the discussion today and did not feel confrontational for the first time since Dr. Bjornson's probation started.

Ms. Taxin commented that this is the first time Dr. Bjornson has made sure his reports were submitted early. She stated her appreciation as it helps the Division prepare information for the Board and asked him to please continue.

An appointment was made for Dr. Bjornson to meet again October 2, 2006.

Brett Newmann, U of U MPA Student

Mr. Newmann stated that he is a student at the University of Utah and was required to sit in on a Board meeting. Mr. Newmann asked the Board about their profession.

Ms. Taxin responded that this is the Utah Psychology Licensing Board. Their Law is 58-61 and the Rule is R156-61. Ms. Taxin referred Mr. Newmann to the website at www.dopl.utah.gov for

all application and Laws and Rules for each occupation or profession regulated by the Division of Occupational and Professional Licensing.

Mr. Newmann asked if there are any Laws or Rules that cover probationary interviews. Mr. Newmann asked if it is important for the licensee to know their own Laws and Rules.

Ms. Taxin responded that the authority to investigate and put a license on probation is found in the Division umbrella Act and Rules, 58-1 and R156-1, specifically in 58-1-401.

Ms. Taxin stated that each licensee should be familiar with their specific Laws and Rules as there are guidelines on scope of practice.

Mr. Newmann thanked the Board for letting him sit in on the meeting.

DISCUSSION ITEMS:

Board Chairperson

Dr. Carpenter nominated Dr. Haas to act a chairperson. Ms. Buhler seconded the motion. **The Board vote was unanimous.**

Recap on Issues Discussed on June 19, 2006

Ms. Taxin stated that Dr. Pompa sent a summary of the discussion. Ms. Taxin stated that the Rules would have to be changed to meet any Law requirements.

Dr. Carpenter stated that he is pushing for a Law and Rules that are more specific. He stated that decisions should not be made that assists some applicants but will penalize others by limiting supervision.

Dr. Haas responded that there is flexibility with the requirements as they are currently.

Ms. Taxin stated that the Association would have to make the Law changes and asked if it would be advantageous to meet with Dr. Pompa at the next Board meeting regarding any decisions they have made.

Dr. Carpenter requested discussion at the October

meeting regarding defining experience in the Rules. Dr. Carpenter suggested Dr. Merryweather meet with the Association regarding what they are doing on Law changes and report to Ms. Taxin and the Board.

Certificate of Professional Qualification (CPQ) Ms. Taxin stated that the new Law has the requirement of being a CPQ holder to be licensed by endorsement. Ms. Taxin stated that the Association of State and Provincial Psychology Boards (ASPPB) does the evaluation, retains and updates the record for the licensee. She stated that it helps facilitate licensing.

The Board noted the information.

CORRESPONDENCE:

ASPPB Correspondence

The Board reviewed the following ASPPB Correspondence:

1. Information regarding the proposed ASPPB Inter-Jurisdictional Practice Credential (IPC).

Dr. Carpenter stated that an IPC credential would allow a licensee to practice in other States. He stated that Louisiana did not allow a non-licensed person to practice in their State prior to the Hurricane. After the Hurricane they re-evaluated and will now allow an IPC credentialed licensee to practice there.

Dr. Malovich stated that the Association is now looking into IPC credentialing but there is no proposal yet.

Ms. Buhler asked if the practice would only be on an emergency basis.

Dr. Malovich responded that the Association has discussed short-term basis only.

Dr. Merryweather requested Dr. Malovich to respond back to the Board if there is any additional information the Board needs to be aware of.

2. Information regarding creating a licensee database.

Dr. Merryweather briefly reviewed the proposal of ASPPB having a database of all States Psychology licensees and recommended Utah submit the requested information.

Ms. Taxin responded that Utah would not be able to be a part of a database as we cannot allow anyone but the Division to access our database. Ms. Taxin stated that the GRAMMA requirements also limit what information we can give out to other entities.

Dr. Carpenter stated that it makes sense to have a national database but Utah cannot violate our own Laws.

Ms. Taxin stated that she will review with the AG's office.

3. Board Administrators Forum April 20, 2006, Draft Minutes.

Dr. Merryweather reviewed the information and stated that there are some States reviewing the interstate licensing.

4. ASPPB Board of Directors April Minutes.

No Board action taken.

The College of Psychologists of Ontario
Bulletin

The Board reviewed the Bulletin. **No Board action taken.**

NEXT MEETING SCHEDULED FOR:

Upon reviewing schedules, the Board requested the next meeting be changed from October 2, 2006 to October 3, 2006.

Ms. Buhler requested the Board meetings for 2007 be scheduled on the first Monday if possible or the 2nd Monday if the first is unavailable.

Other Board members concurred.

MEETING ADJOURNED AT:

1:00 p.m.

Date Approved

Chairperson, Utah Psychology Licensing Board

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing